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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,042	09/24/2003	YiRen Hong	STL11296	5030

7590 03/07/2005
Seagate Technology LLC
1280 Disc Drive
Shakopee, MN 55379

EXAMINER

RENNER, CRAIG A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,042

Applicant(s)

HONG ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 3,11 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 24 September 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance "212" (shown in FIGS. 3 and 4) and "312" (shown in FIGS. 6 and 7). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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3. The disclosure is objected to because of the following informality:

In line 2 of claim 22, --and-- should be inserted before "extends" for better clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-10, 12-18, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueki et al. (US 6,824,595).

Ueki teaches a breather filter cartridge (Figures 6(a)-6(d), for instance) comprising a body (11) having a tubular sidewall portion (includes at least a sidewall portion of 14) and an end portion (includes 31) at one end of the tubular sidewall portion together defining a chamber (adjacent 13) for containing a filter media (13), wherein the end portion has a diffusion path (includes 32) formed therein interfacing with the chamber (at 33, for instance) along the tubular sidewall portion (as shown in Figures 6(a) and 6(d), for instance) [as per claim 1]; wherein the end portion has a flange (36) extending outwardly around the tubular sidewall portion (as shown in Figures 6(c) and 6(d), for instance) [as per claim 2] wherein the breather filter cartridge further comprises a film (34) positioned on the end portion (as shown in Figures 6(b) and 6(d), for instance) [as per claim 4]; wherein the film is a gas permeable film (at 35, for instance)

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[as per claim 5]; wherein the diffusion path formed in the end portion extends around (i.e., nearby) the tubular sidewall portion (as shown in Figures 6(a) and 6(d), for instance) [as per claim 6]; wherein the breather filter cartridge further comprises a gas permeable film (lower portion of 14) over an opposite end portion of the tubular sidewall portion (as shown in Figures 6(c) and 6(d), for instance) [as per claim 7]; wherein the chamber extends through the end portion (at 33, for instance) [as per claim 8]; wherein the breather filter cartridge is in a data storage device (line 5 of the ABSTRACT, for instance) having a base and a cover forming a clean internal environment therein (lines 55-59 in column 5, for instance), the breather filter cartridge permitting gas pressure equalization between an external environment and the internal environment (lines 31-38 in column 5, for instance) [as per claims 9-10 and 12-16]; wherein the breather filter cartridge further comprises a means (includes 33 and 35, for instance, in at least an equivalent structural sense) for equalizing gas pressure between the external environment and the internal environment of the data storage device by providing a diffusion path for gas to pass through the end portion of the breather filter cartridge to and from the chamber along the tubular sidewall portion (as shown in Figures 6(a), 6(b) and 6(d), for instance) [as per claims 17-18 and 20-24].

Claim Rejections/Considerations - 35 USC § 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Turner (US 6,475,269) and Watkins et al. (US 6,618,222), which each individually teaches a breather filter cartridge comprising a body having a tubular sidewall portion and an end portion at one end of the tubular sidewall portion together defining a chamber for containing a filter media, wherein the end portion has a diffusion path formed therein interfacing with the chamber along the tubular sidewall portion.

Allowable Subject Matter

7. Claims 3, 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (703) 308-0559. The examiner can normally be reached on Tuesday-Friday 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner
Primary Examiner
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CAR